

Successes In Stewardship

Celebrating 10 Years

February 2013

States Work to Streamline the Section 106 Review Process

Federal and State agencies that program Federal-aid funds are responsible for avoiding or mitigating impacts that their projects cause on historic and archaeological resources. State Departments of Transportation (DOTs) and their partner agencies have developed innovative programs to more effectively, quickly, and efficiently deliver projects that could affect historic resources. These programs focus on streamlining compliance with Section 106 of the National Historic Preservation Act of 1966 (Section 106) and improving historic resource stewardship early in the planning and project development processes. The Federal Highway Administration's (FHWA) [Planning and Environmental Linkages for Historic Preservation](#) report highlights new and innovative strategies for improving stewardship of historic resources.

Section 106 requires Federal agencies and State agencies administering Federal funds to take into account the effects of their projects on historic properties. Historic properties are districts, sites, buildings, structures, and objects that are included in or meet the criteria for the [National Register of Historic Places](#) (National Register). An agency must identify any historic properties that may be impacted by one of its projects. If there are anticipated adverse effects, the agency consults with the State Historic Preservation Office (SHPO) and others, who may include Indian Tribes, local governments, and members of the public, to seek ways to avoid, minimize, or mitigate the impacts. This consultation usually results in a Memorandum of Agreement (MOA) with the affected parties. After executing the MOA, the agency proceeds with its project under the terms of the agreement.

Identifying Best Practices

In June 2012, FHWA released *Planning and Environmental Linkages for Historic Preservation*, which presents effective practices for streamlining and improving compliance with Section 106. Successful practices for improving the protection of historic resources include:

Programmatic Agreements (PA) establish a process for Section 106 consultation for a specific project, a group of projects, or a category of historic properties. They may also designate how an agency will carry out its Section 106 responsibilities for a specific program, such as North Dakota's PA facilitating Tribal consultation. PAs are prepared in partnership with other agencies in anticipation of planning or project development.

Historic Bridge Management Programs establish

Case Studies Included in FHWA Report

Programmatic Agreements

- Colorado: [I-70 Mountain Corridor Tiered Environmental Impact Statement](#)
- North Dakota: [Tribal Consultation](#)
- Vermont: [Section 106 Delegation](#)

Historic Bridges Management Program

- Indiana: [Historic Bridges Management Plan](#)
- Ohio: [Buckeye Assets](#)

Archaeological Predictive Modeling

- Minnesota: [MN/Model](#)
- North Carolina: [Archaeological Predictive Model](#)

Staff Liaison Programs

- California: [SHPO Liaison Program](#)
- Ohio: [SHPO Liaison Program](#)
- New Mexico: [Tribal Liaison Program](#)

Online Section 106 Consulting Parties Identification and Communication Tool

- Pennsylvania: [ProjectPATH](#)

Right-of-Way (ROW) Databases/Portals

- Arizona: [Historic Preservation Team Portal](#)
- California: [CalTrans ROW Database](#)

Internal Project Development Database

- Virginia: [Comprehensive Environmental Data and Reporting System](#)

Digital Screening Tool and Decision-Making Process

- Colorado: [Planning and Environmental Linkage Decision Tool](#)
- Florida: [Efficient Transportation Decision-Making Process](#)

Local Government Databases and Transportation Planning Tools

- Texas: [Geographic Information System \(GIS\) Screening Tool](#)

procedures and protocols for classifying historic bridges for management, project planning, and environmental review purposes.

Archaeological Predictive Models, like Minnesota's MN/Model, are GIS tools that delineate various areas for archaeological sensitivity. Agencies use these models to anticipate the quantity and types of archaeological sites that may be present within proposed project areas.

Staff Liaison Programs are typically structured in one of two ways: 1) State DOTs fund one or more positions in the SHPO to facilitate and expedite transportation project reviews, or 2) State DOTs employ one staff member dedicated to coordination and consultation between the State DOT and local Tribes, the SHPO, or another State agency. Ohio and California are among many States that have developed staff liaison programs to streamline Section 106 compliance.

Developing an **Online Section 106 Consulting Party Communication Tool** helps a State DOT identify its potential consulting parties for proposed projects during planning and early project development. The tool also provides consulting parties with updated information throughout a project's life cycle.

Other successful practices include environmental screening tools and ROW cultural resource databases.

Examples of Successful Programs

As part of the FHWA Environmental Review Toolkit's [Effective Practices for Planning and Environment Linkages](#) webpage, the *Planning and Environmental Linkages for Historic Preservation* report highlights [17 programs](#) that streamline Section 106 compliance while supporting the planning process and providing predictability in overall project development. Three of these programs are described below.

Vermont Agency of Transportation (VTTrans): Section 106 Delegation PA

After three years of discussions, VTTrans and the Vermont SHPO executed a PA in 2000 that allows VTTrans to conduct reviews of Federal-aid highway projects using qualified VTTrans historic preservation staff. VTTrans created two internal positions, Historic Preservation Officer and Archaeology Officer, to conduct these reviews, which require no consultation with the Vermont SHPO or FHWA. VTTrans, in partnership with the Vermont SHPO, prepared the *Manual of Standards and Guidelines*, which outlines the process for implementing the PA.

The PA also guides the development of tools to improve the Section 106 compliance process, including an historic resource database and a GIS-based archaeological predictive model. The predictive model and the standards and guidelines manual help VTTrans to plan for avoidance, minimize impacts to historic properties, and conduct more timely and predictable environmental reviews. VTTrans' historic preservation staff reviews 300 to 400 projects each year as a result of the PA and manual for implementing the agreement. Since working with participating agencies to execute the PA, VTTrans has experienced a 30 percent decrease in the time required for Section 106 reviews. Based on the success of the initial agreement, VTTrans and the Vermont SHPO decided in 2003 to extend and expand the PA to include reviews of approved Federal Transit Administration projects.



The St. Joseph County Bridge, in South Bend, Indiana, was constructed in 1925. Designated as a "select bridge," it cannot be demolished using Federal-aid funds. (Courtesy of INDOT)

Indiana Department of Transportation (INDOT): Indiana Historic Bridges Inventory

INDOT developed a proactive program, the [Indiana Historic Bridges Management Plan](#), to aid in managing all of the publicly owned bridges that are listed in or eligible for the National Register in Indiana. In 2006, INDOT and the Indiana SHPO executed a PA that outlines a methodology for identifying historic bridges that are suitable for preservation or that are prime examples of a given type of historic bridge. Bridges that meet either of these criteria are designated as "select bridges," and according to the PA, bridge owners will not use Federal-aid funds to demolish a "select bridge." The PA also stipulates the process for other historic bridges, deemed "non-select."

The Indiana Historic Bridges Management Plan streamlines the process for considering historic bridges, as all parties know which bridges are eligible for the National Register and which are most suitable for preservation. INDOT reports that using the program decreases the amount of time and money spent on consultation and mitigation. For more information about this project, read the [June 2011](#) issue of *Successes in Stewardship*.

Pennsylvania Department of Transportation (PennDOT): Project for Pennsylvania Transportation and Heritage (ProjectPATH)

PennDOT partnered with Preservation Pennsylvania to create [ProjectPATH](#), an online platform designed to improve PennDOT's approach to identifying interested parties and to encourage public participation in transportation projects. Managed by PennDOT, ProjectPATH links potential consulting parties (including the SHPO, local governments, and individuals or organizations with interest in the project) with transportation plans for different areas of the State and to the Section 106 reviews underway in those areas. The public can also access information for projects included in the Statewide Transportation Improvement Program and historic preservation-related documentation, which was previously not available online. Organizations that express interest in a project may receive notifications when projects that could affect historic resources in these counties are in the design phase. Additionally, those with a demonstrated interest in a given project may then seek consulting party status, which grants them participation in certain meetings and the opportunity to comment on the eligibility of historic resources, project impacts, and mitigation options. PennDOT archaeologists and architectural historians use ProjectPATH to solicit for consulting parties from the sign-up lists. Preservation Pennsylvania supports this effort by offering workshops on public involvement in order to educate interested parties and the public on the Section 106 process.



ProjectPATH helps PennDOT improve its public involvement processes. (Courtesy of PennDOT)

Since the program began in 2009, ProjectPATH has led to time and cost savings for environmental reviews and project delivery and has improved public access to the Section 106 process. In an effort to continually improve the Section 106 process in Pennsylvania, ProjectPATH stakeholders, including PennDOT, Preservation Pennsylvania, the Pennsylvania SHPO, FHWA, and local historic preservation organizations, meet quarterly to identify problems and develop solutions.

Streamlining Historic Preservation Review and Compliance

These case studies demonstrate proven cost and time savings through the use of proactive streamlining strategies. Each of the programs highlighted in the FHWA report helped to not only improve Section 106 review processes, but also to enhance communication among participating agencies and other parties and provide information valuable to the planning process. Other State DOTs can learn from these successful practices and develop similar programs that improve the efficiency of project delivery while streamlining the Section 106 processes in their States.

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Look What's New!

- On February 13, 2013, FHWA will host a [Planning and Environmental Linkages for Historic Preservation webinar](#) to present the results of *Planning and Environmental Linkages for Historic Preservation* report, which is a recent nationwide study to identify best practices for integrating planning and environmental review for projects affecting historic resources. The webinar will be held from 1:00 to 2:30 p.m. Eastern. For more information, visit the [Planning and Environmental Linkages Training page](#). Visit the [National Highway Institute website](#) to register.
- The American Association of State Highway and Transportation Officials and FHWA have announced a series of three webinars on implementation of products developed through the second Strategic Highway Research Program (SHRP2). The first webinar, scheduled for Feb. 4, 2013, will focus on [SHRP2 Capacity Solutions](#) addressing transportation, planning, environmental review, and collaborative decisionmaking. The second webinar, to be held on Feb. 7, 2013, will focus on [SHRP2 Reliability Solutions](#), including tools for improving traffic operations and reducing congestion. The third webinar focusing on [SHRP2 Renewal Solutions](#) is scheduled for Feb. 8, 2013, and will address tools to rehabilitate the aging highway system. For more information and to register for the webinars, [click here](#).

Successes in Stewardship is a Federal Highway Administration newsletter highlighting current environmental streamlining and stewardship practices from around the country. [Click here](#) to subscribe to the newsletter, or call 617-494-2092 for more information.